

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

GARY MINOR, et al.,

Plaintiffs,

v.

FEDEX OFFICE AND PRINT  
SERVICES, INC., et al.,

Defendants.

NO. C09-1375 TEH

ORDER RE SUPPLEMENTAL  
BRIEFING

In *Radcliffe v. Experian Information Solutions, Inc.*, No. 11-56376, 2013 WL 1831760 (9th Cir. May 2, 2013), the Ninth Circuit held that the district court abused its discretion by approving a settlement that “explicitly conditions the incentive awards on the class representatives’ support for the settlement.” *Id.* at \*5. The court reasoned that such a term, particularly when coupled with a “significant disparity between the incentive awards and the payments to the rest of the class members,” created an impermissible conflict of interest between the class representatives and their counsel and the absent class members. *Id.* at \*5-\*6.

**IT IS HEREBY ORDERED THAT** on or before **June 24, 2013**, class counsel shall submit a supplemental brief of no more than five pages, accompanied by affidavits or other supporting documentation, addressing *Radcliffe’s* implications for the Court’s consideration of the fairness, reasonableness, and adequacy of the settlement in this case.

**IT IS SO ORDERED.**

Dated: 6/19/2013



THELTON E. HENDERSON, JUDGE  
UNITED STATES DISTRICT COURT